

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES ROBERTS, an individual;
and KENNETH MCKAY, an individual,
on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

C.R. ENGLAND, INC., a Utah
corporation; OPPORTUNITY LEASING,
INC., a Utah corporation; and
HORIZON TRUCK SALES AND LEASING,
LLC., a Utah Limited Liability
Corporation,

Defendants.

No. C 11-2586 CW

ORDER GRANTING
PLAINTIFFS' MOTION
TO STAY THE
TRANSFER (Docket
No. 45)

On January 25, 2012, the Court granted Defendants' motions to dismiss Plaintiffs' claim under the California Franchise Investment Law and to transfer venue for this putative class action. In an effort to seek appellate review of this order, Plaintiffs moved for certification of an interlocutory appeal, pursuant to 28 U.S.C. § 1292(b), and moved for entry of partial judgment under Federal Rule of Civil Procedure 54(b). Docket Nos. 46 and 47. In addition, Plaintiffs moved to stay the transfer order, pending the Court's resolution of their motions for certification and entry of partial judgment. Docket No. 45.

1 If the transfer order is not stayed, the case will be transferred
2 and docketed in the District of Utah on February 8, 2012.

3 To allow time for the Court to consider Plaintiffs' motions
4 for certification under § 1292(b) and partial judgment under Rule
5 54(b), the Court grants Plaintiffs' request to stay the transfer.
6 The stay will remain in effect, pending the Court's ruling on the
7 motions for certification and partial judgment.

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9 Defendants shall respond to Plaintiffs' motions in a single
10 brief no longer than Plaintiffs' total briefing, within seven
11 days. Plaintiffs may submit a consolidated reply brief within
12 four days after Defendants respond. The motions will be taken
13 under submission on the papers. The March 8, 2012 hearing is
14 vacated.

15 IT IS SO ORDERED.

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18 Dated: 2/3/2012

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CLAUDIA WILKEN
United States District Judge